

TG 00210 V07.08

Summary of Changes:

Reason For Changes:

- Technical Guide section number TG 00200 and section title changed to TG 00210 Instructions to Bidders. Since section TG 00200 is the Specifier's Instruction for section TG 00210 Instructions to Bidders, it seemed only appropriate to rename TG 00200 and its respective title to the Section the instructions apply to, i.e., Section TG 00210.
- References to section number TG 00200 changed to TG 00210 Instructions to Bidders to reflect the changes recommended above.
- References to section number TG 00400 changed to TG 00410 and TG 00411 Solicitation, Offer and Contract Form. The section number changes are based on the same reasons for the section number changes made to TG 00200.
- References to section number TG 00215 Instruction to Bidders (Informal Bids) changed to TG 00115 Informal Bid Solicitation Letter. Section TG 00115 replaced Section TG 00215 in revision v04.08.
- Revised instructions for listing Joint Contractors or Subcontractors. Deleted requirement to list Joint Contractors or Subcontractors license numbers, specialty class number and classification description as instructed per Quality Control letter, QC-243.6, dated Sep 1, 2006, Subj: GCA Request to Delete Listing Subcontractors' Names & License Number next to the Description of Work and Class Codes.
- Added option for applying and registering at the "Hawaii Compliance Express" website to meet the requirements of §3-122-112 HAR.

Instructions to Bidders ~~or Offerors~~

TECHNICAL GUIDE

TG ~~00200~~00210

1. Coordination Issues:

- 1.1 The information contained in and required by this section has serious contract implications. Ensure there are no errors in the final specification section.
- 1.2 Make sure to match the appropriate TG 00100 Solicitation Notices to the respective section from TG ~~00200~~00210 Instructions to Bidders ~~or Offerors~~ and respective sections from TG ~~00400~~00410 and TG 00411 Solicitation, Offer and Contract Form.
- 1.3 Under Act 52: On July 1, 2003, changes to the HAR Procurement Code require a prebid conference for projects exceeding \$500,000 and the deletion of In-State Contractor's Preference (§103D-1007).
- 1.4 Project Coordinator will confirm prebid meeting requirements and procedures and provide detailed meeting time, location and dates in Solicitation Notice.
- 1.5 Project Coordinator will direct if substitutions will be allowed prior to submitting the Bid. If so, include the provisions in SECTION 00800 - SPECIAL CONDITIONS.

2. Design Issues: (Not Used)

3. Drawing Notes: (Not Used)

4. Standard Drawings: (Not Used)

5. Specification Notes:

DESIGN CONSULTANT CRITERIA

~~v06v07.080208~~

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5.1 Department of Commerce and Consumer Affairs provides information on Contractors classifications under HAR, Title 16, Chapter 77. The listings are found on the DCCA website www.state.hi.us/dcca/har/index.html.

6. Guide Specification:

6.1 Use attached Section TG 00210 INSTRUCTIONS TO BIDDERS with TG 00110 NOTICE TO BIDDERS and TG 00410 or TG 00411 SOLICITATION, OFFER AND CONTRACT FORM.

6.2 Use Section TG 00212 INSTRUCTIONS TO BIDDERS MULTI-STEP BID with TG 00112 INVITATION TO BIDDERS MULTI-STEP BID and TG 00412 MULTI-STEP SOLICITATION, OFFER AND CONTRACT FORM. **(To be developed)**

6.3 Use Section TG ~~00215-00115 INSTRUCTION TO BIDDERS (Informal Bids)~~ INFORMAL BID SOLICITATION LETTER with TG 00415 INFORMAL BID FORM.

6.4 Use Section TG 00220 INSTRUCTIONS TO OFFERS with TG 00120 REQUEST FOR PROPOSALS and TG 00420 SOLICITATION, OFFER AND CONTRACT FORM. **(To be developed)**

***SPECIFIER'S NOTE:** Blue colored texts are Notes to Specifier and should be completely deleted from the final text. Where [red colored text in brackets] is shown in this specification section, insert wording, numbers, etc. as appropriate and delete brackets. Where <Red colored text in brackets> is shown, choice is indicated. Make the appropriate choice and delete the brackets. Maintain footer notation in italics with the current version used (e.g. TG 00210 ~~v06v07.080208~~). Verify that section titles cross referenced in this Section correspond to this Project's specifications; Section titles may have changed.*

Do not include the Project Name (etc.) line in the footer. Use the following format for the specification footer.

| TG 00210 ~~v06v07.080208~~
DAGS Job No. 00-00-0000

Instructions to Bidders
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End Footer Sample

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TG 00210 INSTRUCTIONS TO BIDDERS

Use with TG 00110 NOTICE TO BIDDERS and TG 00410 or TG00411 SOLICITATION, OFFER AND CONTRACT FORM

SECTION 00210 - INSTRUCTIONS TO BIDDERS

PART 1 - GENERAL

1.01 GENERAL

- A. Only bidders with the required Contractor's license(s) are eligible to submit a Bid.
- B. Bidders (Contractors) shall be incorporated or organized under the laws of the State or be registered to do business in the State as a separate branch or division that is capable of fully performing under the contract. The following definitions are used in the solicitation documents.
 1. Hawaii Business §3-122-112 HAR: A bidder who is registered and incorporated or organized under the laws of the State is a "Hawaii Business" and eligible for an award.
 2. Compliant non-Hawaii Business §3-122-112 HAR: A bidder not incorporated or organized under the laws of the State, but is registered to do business in the State and complies with or is exempt from the requirements of §3-122-112 HAR, is a "Compliant Non-Hawaii Business" and eligible for an award.
 3. Non-compliant Bidder: If a bidder is a non-Hawaii business and is not registered with the DCCA Business Registration Division (BREG) or cannot comply with §3-122-112 HAR, then the bidder is non-compliant and is ineligible for an award.
- C. When announced and required by the NOTICE TO BIDDERS, all bidders who intend to submit a bid, shall attend an initial pre-bid meeting and the accompanying site visit(s). Other interested parties may attend the initial pre-bid meeting and the accompanying site visit(s). For other site visits not conducted by the Department, bidders shall contact and make arrangements with the Project Contact Person listed in SECTION 00800 - SPECIAL CONDITIONS of these specifications.
- D. Bidders shall submit the "Solicitation, Offer and Contract Form", bid bond (if required), tax clearances, Hawaii business certificates, and any other documents required by the bidding documents.
- E. The *GENERAL CONDITIONS* set forth additional terms and conditions for the bid and award process. The *GENERAL CONDITIONS* will be part of the contract documents by which the State and the bidder (prospective Contractor) will be bound. Bidders are directed to the *GENERAL CONDITIONS*, for contract and statutory requirements and for Bidding and Execution of Contract Requirements. Bidders are also directed to SECTION 00700 - GENERAL CONDITIONS and SECTION 00800 - SPECIAL CONDITIONS of these specifications for definitions and modifications to the *GENERAL CONDITIONS*.

1.02 OFFEROR(S) or BIDDER(S)

- A. The terms "Offeror" and "Bidder" are synonymous when used in this Section 00210 and other solicitation documents.

1.03 PRE-BID MEETING AND SITE VISIT(S)

- A. If a pre-bid meeting or site visit(s) are required in the "Notice to Bidders", bidders and other interested parties must comply with the requirements prior to submitting their bid. The Contracting Officer may determine that a bid from a bidder, who fails to comply with the meeting and site visitation requirements, is a non-responsive bid.
- B. Questions may arise at the pre-bid meeting or from the project site visit(s). Bidders shall submit written question or clarification requests to the Department's Contracts Engineer. Clarifications or meeting notes shall be distributed by addenda.

1.04 ADDENDA, CLARIFICATIONS

- A. Addenda: The Department may periodically issue an addendum that may increase or decrease the scope of work or contract time, provisions or conditions. The Department will make the addenda and bid clarifications available to the bidders at the respective Department's office or through the Department website. Bidders are responsible for the information contained in the addenda or bid clarification whether or not the bidder receives the addenda or clarification.
- B. Bidders discovering an ambiguity, inconsistency or error when examining the bidding documents or the site and local conditions or bidders with questions or clarification requests shall send their written requests (email or fax notification are acceptable) to the Department's Contracts Engineer. Bidders shall comply with the following procedures:
 - 1. Identify each request with the Project Name and Title and DAGS Job Number.
 - 2. Indicate the appropriate section number, paragraph, drawing and detail number, schedule or other identifier.
 - 3. The request should be brief, concise, but complete enough to properly evaluate and determine the merits of the question or request.
- C. Bidders shall make any requests for clarifications no later than 14 calendar days prior to the submission date for sealed bids. Refer to the "Notice to Bidders" for the submission date.
 - 1. Refer to SECTION 00800 - SPECIAL CONDITIONS, Revisions to the General Conditions article of these specifications if substitutions before the award are allowed for this project.
- D. The Department may respond to requests for clarifications by way of addenda or bid clarifications and may also respond on the Department's (Public Works Division) web site.

1.05 SOLICITATION, OFFER AND CONTRACT FORM (BID FORM)

- A. Bidder shall fill out the "Solicitation, Offer and Contract Form" completely. This includes the "Offer" portion of the 3 page form and all remaining fill-ins. Write in ink or type. Besides the following paragraphs with instructions, there are supplemental Bidder's Instructions within the text of the "Solicitation, Offer and Contract Form" and bidders shall comply with the instructions. Do not alter the "Solicitation, Offer and Contract Form", and maintain the form intact. When the State makes changes to the "Solicitation, Offer and Contract Form", a completely new bid form with appropriate addendum notation will be issued. Contractors shall use the most current version.
- B. Schedule for Work: Note the provisions of this article, the referenced COST, TIME AND SCHEDULE article, and specification SECTION 01100 - PROJECT REQUIREMENTS for the construction dates including: project schedule, project start date, jobsite start date, jobsite completion date, contract completion date and contract duration, if provided.
- C. Allowances: If applicable to this project, bidder shall include in its total lump sum (base) bid price all cash allowances that are itemized in the COST, TIME AND SCHEDULE article on the "Solicitation, Offer and Contract Bid Form" and described in SECTION 01210 - ALLOWANCES of these specifications. Unless otherwise provided in the contract documents, the bidder shall include costs for unloading and handling materials and equipment at the site, labor, installation costs, overhead, profit, coordination, insurance and other incidental expenses in the lump sum bid price and not in the allowance.
 - 1. For testing and inspection allowances, the allowance costs shall include the cost of engaging testing agencies, actual tests and inspections and reporting results. Allowance does not include incidental labor required to assist the testing agency or costs for retesting if previous tests and inspection result in failure.
- D. Variable Quantities Unit Prices: If applicable to this project, bidder shall include in its total lump sum (base) bid price a total cost for Variable Quantities Unit Prices (VQUP) that are described in SECTION 01270 - VARIABLE QUANTITIES UNIT PRICES. Bidder shall complete the VQUP schedule by extending costs for unit prices, subtotals and totals. The unit costs provided shall include all materials, labor, tools and equipment required to install the work complete, in addition to all charges for overhead, coordination, profit, insurance, and other incidental expenses. Bidder shall make sure to enter the variable quantities unit prices total amount in the bid form, COST, TIME AND SCHEDULE article.
- E. Alternates: If applicable to this project, bidder shall include its total cost(s) in the COST, TIME AND SCHEDULE article for the alternates that are described on the drawings or in SECTION 01230 - ALTERNATES. Bidder must completely fill in the cost for each listed alternate. Where the respective alternate's work will be performed at no cost to the State, bidder shall fill in '\$0.00' as the cost. **If the cost for any alternate is left blank, the "Solicitation, Offer and Contract Form" will be rejected as an irregular bid.**
 - 1. For the purposes of evaluating the bid, the alternates are listed in the COST, TIME AND SCHEDULE article and in specification SECTION 01230 - ALTERNATES in the order of precedence from highest (listed first) to lowest.

2. Bidders are directed to the COST, TIME AND SCHEDULE article that lists additional or deductive consecutive calendar days that will be allowed for each accepted alternate.
- F. Preference: If applicable to this project, preferences are considered when evaluating bids to determine the ranking of the respective bidders. The award of the contract will be in the amount of the bid exclusive of any preference adjustments.
- G. Hawaii Product Preference: If applicable to this project, bidders proposing to use Hawaii products shall complete the "Hawaii Product Schedule" by entering the product total cost (not unit price) and identifying the respective class. Bidders may provide a cost for any one or as many products listed in the schedule. Any product that is left without a respective cost and class designation cannot be used in the preference evaluation.
 1. If there are several classes offered for a product, the bidder shall choose and circle the appropriate class, otherwise, preference will be given based on the class with the lower percentage.
 2. If the Hawaii product preference is used to determine the contract award, the bidder must use the designated Hawaii products in the work, otherwise the bidder (Contractor) may be in default of the contract.
- H. Recycled Product Preference: If applicable to this project, a recycled product preference of at least 5 percent of the price of the item is available. All bidders, either proposing or not proposing to use the recycled product preference shall complete the "Recycled Product Schedule". If choosing to use a recycled product, enter the respective costs for the recycled product; otherwise, enter the cost for the non-recycled product. Make sure a cost is entered for each listed product. Each product costs shall be complete, including jobsite delivery and applicable taxes.
 1. For each recycled product the bidder chooses to use, the bidder shall include in its bid package the complete "Certification of Recycled Content Form" along with all supporting information. A sample of the certification form is in the GENERAL CONDITIONS.
 2. The "Recycled Product Schedule" shows the percent preference used for each listed recycled product.
- I. Other Conditions: Bidder acknowledges and agrees to the provisions and certifications stated in this article.
- J. Receipt of Addenda: Bidder shall fill in the appropriate dates any addenda were received.
- K. Listing Joint Contractors or Subcontractors:
 1. Bidder shall complete the "Joint Contractors or Subcontractors List". It is the sole responsibility of the bidder to review the requirements of this project and determine the appropriate specialty Contractor's licenses that are required to complete the project. Failure of the bidder to provide the correct names, and specialty Contractor's nature of work to be performed license numbers, specialty class number, classification description and to indicate that the

~~specialty Contractor is required for this project~~, may cause the bid to be rejected.

2. Bidder agrees the completed listing of joint Contractors or Subcontractors is required for the project and that the bidder, together with the listed joint Contractors and Subcontractors, have all the specialty Contractor's licenses to complete the work.
3. Based on the Hawaii Supreme Court's January 28, 2002 decision in Okada Trucking Co., Ltd. v. Board of Water Supply, et al., 97 Hawaii 450 (2002), the bidder as a general Contractor ('A' or 'B' license) is prohibited from undertaking any work solely or as part of a larger project, which would require the bidder ('A' or 'B' general Contractor) to act as a specialty ('C' license) Contractor in any area in which the bidder ('A' or 'B' general Contractor) has no specialty Contractor's license. Although the 'A' and 'B' Contractor may still bid on and act as the "Prime Contractor" on an 'A' or 'B' project (See, *HRS §444-7 for the definitions of an "A" and "B" project*), respectively, the 'A' and 'B' Contractor may only perform work in the areas in which they have the appropriate Contractor's license. The bidder ('A' or 'B' general Contractor) must have the appropriate 'C' specialty Contractor's licenses either obtained on its own, or obtained automatically under HAR §16-77-32.
4. General Engineering 'A' Contractors automatically have these 'C' specialty Contractor's licenses: C-3, C-9, C-10, C-17, C-24, C-31a, C-32, C-35, C-37a, C-37b, C-38, C-43, C-49, C-56, C-57a, C-57b, and C-61.
5. General Building 'B' Contractors automatically have these 'C' specialty Contractor's licenses: C-5, C-6, C-10, C-12, C-24, C-25, C-31a, C-32a, C-42a, and C-42b.

~~6. The table that lists the specialty Contractor' classifications in the bid form is from the Department of Commerce and Consumer Affairs' (DCCA) website www.state.hi.us/dcca/har/index.html. Bidders shall provide the appropriate classification numbers and descriptions for any specialty Contractors that are not included in the bid form and bidders are directed to the DCCA web site for the latest updated list.~~

- ~~76.~~ Instructions to complete the Joint Contractors or Subcontractors List:
- a. ~~Determine-Describe~~ the specialty Contractor's ~~classification(s)~~ required nature of work to be performed for this project and provide the complete firm name ~~and license number~~ of the joint Contractor or Subcontractor in the respective columns. If the bidder is a general Contractor and providing the work of the required specialty Contractor ~~classification~~, fill in the Bidder's (general Contractor's) ~~license number and name~~ and nature of work to be performed for this project.
 - b. List only one joint Contractor or Subcontractor per required specialty Contractor's classification.
 - c. For projects with alternate(s), fill out the respective "Joint Contractors or Subcontractors List for the Alternate(s)". Bidder shall ~~determine-describe~~ the specialty Contractor's ~~classification and description required~~ nature of

work to be performed on this project for the respective alternate. Bidders shall fill in the complete ~~class number, class description,~~ firm name and ~~license number of~~ nature of work to be performed by the respective joint Contractor or Subcontractor. ~~The bidder shall not include any~~ If the joint Contractor or Subcontractor previously listed ~~for the~~ under base bid, listing under Alternate(s) are not required.

L. Cost, Time and Schedule: Bidder shall completely fill out the article and enter the cost for the Project Bid Price, Variable Quantities Unit Prices and Alternates when provided. Bidder shall tabulate the Project Bid Price, Variable Quantities Unit Prices and Allowances when provided, and the Bidders shall then enter the Total Lump Sum Bid Price. **BE SURE TO ENTER THE TOTAL LUMP SUM BID PRICE IN WORDS AND NUMERALS.** Refer to Bidder's Instructions located within the article.

1. If provided, bidder shall fill in total costs for each alternate.
2. The bidder is directed to the construction time information Article entitled "TIME" for the contract duration and construction time for alternates. Bidder shall refer to SECTION 01100 - PROJECT REQUIREMENTS of these specifications for additional construction time information, as applicable.

M. Offer Page: Bidder shall completely fill out Blocks 11 through 22C. Bidder shall indicate if it is a "Hawaii Business" or a "Compliant Non-Hawaii Business" in Block 21. Also, bidder shall refer to Bidder's Instructions located near end of section.

1.06 EVALUATION CRITERIA

A. Evaluating Bids: The lowest responsive, responsible bid is determined by the following procedures:

1. Chapter 103D, HRS, which provides for the preferences, shall apply.
2. The total lump sum bid price is adjusted to reflect the applicable preferences.
 - a. For projects with alternates, the total lump sum base bid price and alternates will be adjusted to reflect the applicable preferences.
3. Project control budget is established prior to the submission of bids.
4. If there is more than one alternate for a project, the State will determine the precedence of the alternates for each project prior to the submission of bids.
5. The project will be evaluated based on the adjusted bid price.

B. Evaluating Bids with Additive Alternates:

1. Prior to opening bids, the State will announce the project control budget. All bids will be evaluated on the basis of the same alternate item.
2. After adjusting for applicable preferences, the alternates, in their precedence order, are added to the total lump sum base bid price. This (these) sum(s) are compared to the project control budget, and must be within the project control budget.
3. If adding another alternate would make the aggregate amount exceed the

project control budget for all bidders, that alternate will be skipped and the next alternate will be added, provided an award might be made within the project control budget. This procedure will continue, until adding any remaining alternates will result in the aggregate total amount for all the bidders to exceed the project control budget, or until no additional alternates remain.

4. The bidder with the lowest aggregate amount, within the project control budget (after application of the various preferences), for the total lump sum base bid plus the alternates in their precedence order, is the "Low Bidder" for that project and is designated for award.
 5. Additive Alternate Example: The project control budget available is \$100,000. In the order of precedence, alternates A-1, A-2 and A-3 are additive alternates. After applying the preferences, the bids are ranked lowest price to highest price and are "Bid A", "Bid B" and "Bid C". Bid A's total lump sum base bid price and three additive alternates (in the precedence order) are \$80,000, \$16,000, \$10,000 and \$5,000 respectively. Bid B's total lump sum base bid price and three additive alternates (in the precedence order) are \$82,000, \$10,000, \$9,000 and \$3,000 respectively. Bid C's total lump sum base bid price and three additive alternates (in the precedence order) are \$85,000, \$10,000, \$8,000 and \$4,000 respectively.
 - a. In adding the alternates to the bids, alternate A-1 is under the project control budget for all bids. The second alternate A-2 is initially skipped since it would cause the aggregate amount of all bids to exceed \$100,000. The third alternate A-3 is added and the aggregate amounts, including base bid price plus alternates A-1 and A-3, of both Bid B and Bid C, are under the project control budget.
 - b. Bid A's aggregate total is \$101,000. Bid B's aggregate total is \$95,000. Bid C's aggregate total is \$99,000.
 - c. Bid B's price including alternates A-1 and A-3 is the lowest bid price (over Bid C) and has an aggregate amount within the adjusted project control budget, and therefore is designated the "Low Bidder" for the project.
 6. Should the Lump Sum Base Bid of all bidders exceed the project control budget, the bidder with the lowest total lump sum base bid after application of the preferences is designated the low bidder for the project.
- C. Evaluating Bids with Deductive Alternates:
1. Prior to opening bids, the State will announce the project control budget. All bids will be evaluated on the basis of the same alternate item.
 2. After adjusting for applicable preferences, the alternates, in their precedence order, are deducted from the total lump sum base bid price. This (these) sum(s) are compared to the project control budget, and must be within the project control budget.
 3. Alternates will be deducted in the order of precedence until the aggregate total amount for at least one bid is within the project control budget. No additional alternates will be deducted once a bid is within the project control budget.

4. The bidder with the lowest aggregate amount within the project control budget (after application of the various preferences) for the total lump sum base bid minus the deductive alternates in their precedence order, is the "Low Bidder" for the project and is designated for award.
5. Deductive Alternate Example: The project control budget is \$100,000. In the order of precedence, alternates D-1, D-2, and D-3 are deductive alternates. After applying preferences, the bids are ranked lowest to highest price and are "Bid A", "Bid B", and "Bid C". Bid A's total lump sum base bid price and three deductive alternates, in precedence order, are \$118,000, \$10,000, \$9,000, and \$3,000 respectively. Bid B's total lump sum base bid price and three deductive alternates, in precedence order, are \$120,000, \$14,000, \$8,000, and \$4,000 respectively. Bid C's total lump sum base bid price and three deductive alternates, in precedence order are \$135,000, \$16,000, \$10,000, and \$5,000 respectively.
 - a. In tabulating alternates to the bids, deductive alternate D-1 is over the project control budget for all bids. The second alternate D-2 is tabulated and the aggregate amounts, including base bid price minus alternates D-1 and D-2 of Bid C is over the project control budget. Alternate D-3 does not need to be considered to designate the "Low Bidder" for the project.
 - b. Bid A's aggregate total including alternates D-1 and D-2 is \$99,000. Bid B's aggregate total is \$98,000. Bid C's aggregate total is \$109,000.
 - c. Bid B's price including alternates D-1 and D-2 is lower than Bid A, and has an aggregate amount within the project control budget, and therefore is designated the "Low Bidder" for the project.
6. Should the Lump Sum Base Bid of one or more bidders be within the project control budget, the bidder with the lowest lump sum base bid after application of the preferences is designated the low bidder for the project.
7. Should the Lump Sum Base Bid including all deductive alternates of all bidders exceed the project control budget, then the bidder with the lowest total Lump Sum Base Bid, minus deductive alternates after application of the preferences is designated the Low Bidder for the project.

1.07 METHOD OF AWARD

- A. The contract will be awarded to the lowest responsive and responsible Bidder whose bid (including any alternates which may be selected) meets the requirements and criteria set forth in the solicitation documents and as determined by the Comptroller.
- B. In the event the total lump sum bid for bids without alternates or with additive alternates of all bidders exceeds the project control budget, the Department reserves the right to make an award to the apparent Low Bidder if additional funds are available or by reducing the scope of work through negotiation.

- C. In the event the total lump sum bid minus all the deductive alternates of all bidders exceeds the project control budget, the Department reserves the right to make an award to the apparent Low Bidder if additional funds are available or by reducing the scope of work through negotiation.
- D. Additional Requirements for Bids with Alternates: After determining the designated Low Bidder for the project, an award may be made on the amount of the Low Bidder's total lump sum base bid alone or on any combination of alternates exclusive of any preferences. The combination of alternates may include substituting any of the alternates that were included in the designated Low Bidder's aggregate price with an alternate that was not included, provided:
 - 1. It is in the best interest of the State,
 - 2. Funds are available at the time of award, and
 - 3. The combination of the total lump sum base bid plus alternate(s) does not change the established Low Bidder for the project.

1.08 OTHER CONDITIONS FOR AWARD

- A. The Comptroller may reject any or all bids and waive any defects if the Comptroller believes the rejection or waiver is in the best interest of the State.
- B. The Comptroller may hold all bids up to 60 calendar days from the date bids were opened. Unless otherwise required by law, bids may not be withdrawn without penalty.
- C. The award of the contract is conditioned upon funds made available for the project (or projects if applicable).
- D. Any agreement or contract is subject to approval by the Department of the Attorney General, and the approval of the Governor, as required by statute, regulation, rule, order, or other directive.

1.09 COMPLIANCE WITH §3-122-112 HAR

- A. As a condition for award of the contract and as proof of compliance with the requirements of 103D-310(c) HRS, the bidder shall meet the "Hawaii Business" or "Compliant non-Hawaii Business" requirements and shall provide the following documents:
 - 1. Department of Taxation (DOTAX) and the IRS tax clearance certificates.
 - 2. Department of Labor and Industrial Relations (DLIR) certificate of compliance.
 - 3. Department of Commerce and Consumer Affairs (DCCA), Business Registration Division (BREG) certificate of good standing.
 - a. A Hawaii business that is a sole proprietorship is not required to register with the BREG and therefore not required to submit the DCCA, BREG "Certificate of Good Standing".

4. Or to meet the requirement of §3-122-112 HAR, bidders may apply and register at the "Hawaii Compliance Express" website, <http://vendors.ehawaii.gov/hce/splash/welcome.html>.

- B. The apparent 3 low bidders shall furnish the required documents to the

Department within 7 calendar days from the bid opening date. If a valid certificate is not submitted on a timely basis for award of a contract, a bidder otherwise responsive and responsible may not receive the award. Bidder is responsible to apply for and submit the documents by the required deadlines.

PART 2 - PRODUCTS (Not Used)

PART 3 - EXECUTION

3.01 REQUIRED DOCUMENTATION FOR HAWAII BUSINESS OR COMPLIANT NON-HAWAII BUSINESS (§3-122-112 HAR)

- A. Tax Clearance Requirements (HRS Chapter 237): Bidder shall obtain a tax clearance certificate from the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS). The certificate is valid for 6 months from the most recently approved stamp date on the certificate; the certificate must be valid on the date received by the Department.
 1. DOTAX *TAX CLEARANCE APPLICATION* Form A-6 (Rev 2003) is available at DOTAX and IRS (State of Hawaii) offices or DOTAX website, and by mail or fax.
 - a. DOTAX website: www.state.hi.us/tax/alphalist.html#a
 - b. DOTAX forms by fax/mail: (808) 587-7572 or 1-800-222-7572
 2. Mail, fax or submit in person completed tax clearance application forms to the Department of Taxation, Taxpayer Services Branch or to the address listed on the application. Facsimile numbers are:
 - a. DOTAX: (808) 587-1488
 - b. IRS: (808) 539-1573
 3. DOTAX will return the form to the bidder. The bidder is reminded that it is responsible to submit the applications for the tax clearance directly to DOTAX or IRS and not to the Department.
- B. DLIR Certificate of Compliance (HRS Chapter 383 - Unemployment Insurance, Chapter 386 - Workers' Compensation, Chapter 392 - Temporary Disability Insurance, and 393 - Prepaid Health Care): Bidder shall obtain a certificate of compliance from the Hawaii State Department of Labor and Industrial Relations (DLIR). The certificate is valid for 6 months from the date of issue; certificates must be valid on the date received by the Department.
 1. DLIR *APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112 HAR*, Form LIR#27 is available at DLIR website or at the neighbor island DLIR District Office.
 - a. DLIR website: www.dlir.state.hi.us/LIR#27
 2. Mail, fax or submit in person completed application form to the Department of Labor and Industrial Relations, Administrative Services Office at the address listed on the application.
 3. DLIR will return the form to the bidder. The bidder is reminded that it is responsible to submit the application for the certificate directly to DLIR and not to the Department.

- C. DCCA Certificate of Good Standing: Bidder shall obtain a certificate of good standing issued by the Department of Commerce and Consumer Affairs (DCCA), Business Registration Division (BREG). The certificate of good standing is valid for 6 months from the date of issue; certificates must be valid on the date received by the Department.
1. DCCA *CERTIFICATE OF GOOD STANDING* is available from the business registrations website or by telephone. Bidders are advised there are costs associated with registering and obtaining the certificate.
 - a. DCCA form website: www.BusinessRegistrations.com
 - b. DCCA telephone: (808) 586-2727, M - F 7:45 to 4:30 HST
 2. Submit the application per DCCA's requirements.
 3. DCCA will return the form to the bidder. The bidder is reminded that it is responsible to submit the application for the certificate directly to DCCA and not to the Department.

D. Or to meet the requirement of §3-122-112 HAR, bidders may apply and register at the "Hawaii Compliance Express" website, <http://vendors.ehawaii.gov/hce/splash/welcome.html>.

END OF SECTION